



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/061,813

01/31/2002

James Armand Baldwin

MS1-1011US

1857

22801

7590

10/15/2007

LEE & HAYES PLLC

421 W RIVERSIDE AVENUE SUITE 500

SPOKANE, WA 99201

EXAMINER

GILLIS, BRIAN J

ART UNIT

PAPER NUMBER

2141

MAIL DATE

DELIVERY MODE

10/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/061,813

Applicant(s)

BALDWIN ET AL.

Examiner

Brian J. Gillis

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,9,14,21 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,9,14,21 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on September 18, 2007 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 9, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the client device" in lines 13-14 and 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the data file size" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the data size" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 9, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al (US PGPUB US2002/0059623) in view of Byrne et al (US Patent #5,990,883) in view of Hamilton et al (US Patent #5,799,150).

Claim 4 discloses a method comprising: storing program data for an electronic program guide in multiple tables, each table comprising one or more records with one or more fields and at least two said tables are related such that one said record in one said table indexes another said record in another said table, wherein the records comprise program records containing programming information, individual program records having a title field to identify a program name; sorting the records in the tables at a head end device according to a selected field type prior to delivery of the program data to a remote client device, wherein the sorting comprises arranging the program records in the tables according to a stopped name version of the program name in the title field; and transmitting the sorted records to the remote client device, wherein the client device has designated a data set size for the sorted records to be transmitted to the client device. Rodriguez et al teaches storing program data for an EPG in a digital broadband delivery system (DBDS) (paragraphs 21 and 117), presenting program data in a channel-time grid which contains multiple records (paragraph 73), multiple sets of tables

which contains multiple data fields (paragraphs 116 and 117), each table corresponding to its respective channel in the channel line-up (paragraph 117), of individual program records having a title field to identify a program name (paragraph 73), and sorting at the head end device by arranging the records according to a stopped name version of the program name in the title field which is kept (paragraph 91). It fails to teach the tables being related such that one record in a table indexes another record in another table and transmitting the sorted records to the remote client device, wherein the client device has designated a data set size for the sorted records to be transmitted to the client device. Byrne et al teaches an EPG, which uses a relational database schema, which allows data from separate tables to be related to each other (column 6, lines 15-50).

Rodriguez et al and Byrne et al are analogous art because they are both related to electronic program guides.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the relational database schema in Byrne et al with the system in Rodriguez et al because flexibility to respond to changes such as additional data and efficiency in allowing rapid display, searching, and other controls are provided (Byrne, column 6, lines 15-24).

Rodriguez et al and Byrne et al teach the limitations as recited above. It fails to teach transmitting the sorted records to the remote client device, wherein the client device has designated a data set size for the sorted records to be transmitted to the client device. Hamilton et al teaches a client designates a file size for the server to send (column 10, lines 9-15).

Rodriguez et al in view of Byrne et al and Hamilton et al are analogous art because they are both related to a client requesting data from a server.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the client file size designation feature in Hamilton et al with the system in Rodriguez et al in view of Byrne et al because latency is reduced and data loss is prevented (Hamilton, column 3, lines 41-44).

Claim 9 discloses a method for delivering program data for an electronic program guide executing at a remote client, the method comprising: storing program data for an electronic program guide in multiple tables, the tables comprising one or more program tables with records of programming information, the program tables having a title field for program titles, and one said record in one said table indexes another said record in another said table; sorting the records in the program tables at a head end device according to the title field, wherein the sorting comprises arranging the records according to stopped name versions of program names in the title field; and constructing a data file to hold the tables, wherein the data file size is designated by a client device. Rodriguez et al teaches storing program data for an EPG in a digital broadband delivery system (DBDS) (paragraphs 21 and 117), presenting program data in a channel-time grid which contains multiple records (paragraph 73), multiple sets of tables which contains multiple data fields (paragraphs 116 and 117), each table corresponding to its respective channel in the channel line-up (paragraph 117), of an EPG database which is a data file to hold the sorted tables (paragraph 73), of individual program records having a title field to identify a program name (paragraph 73), and

sorting at the head end device by arranging the records according to a stopped name version of the program name in the title field which is kept (paragraph 91). It fails to teach the tables being related such that one record in a table indexes another record in another table and the data file size is designated by a client device. Byrne et al teaches an EPG, which uses a relational database schema, which allows data from separate tables to be related to each other (column 6, lines 15-50).

Rodriguez et al and Byrne et al are analogous art because they are both related to electronic program guides.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the relational database schema in Byrne et al with the system in Rodriguez et al because flexibility to respond to changes such as additional data and efficiency in allowing rapid display, searching, and other controls are provided (Byrne, column 6, lines 15-24).

Rodriguez et al and Byrne et al teach the limitations as recited above. It fails to teach the data file size is designated by the client device. Hamilton et al teaches a client designates a file size for the server to send (column 10, lines 9-15).

Rodriguez et al in view of Byrne et al and Hamilton et al are analogous art because they are both related to a client requesting data from a server.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the client file size designation feature in Hamilton et al with the system in Rodriguez et al in view of Byrne et al because latency is reduced and data loss is prevented (Hamilton, column 3, lines 41-44).

Claim 21 discloses a processing system, comprising: sorting means for sorting program data at a head end device for an electronic program guide according to a data type that a viewer is likely to search, wherein the program data is sorted into multiple tables, at least one said table includes a record that indexes a record in another said table wherein the sorting means sorts the program data according to stopped names of program titles, wherein the data size of each of the at least one table is designated by a client device; and transmission means for transmitting the sorted program data to a client device. Rodriguez et al teaches sorting program data for an EPG according to a field a viewer is likely to search (paragraphs 21, 32, and 91), of individual program records having a title field to identify a program name (paragraph 73), sorting at the head end device by arranging the records according to a stopped name version of the program name in the title field which is kept (paragraph 91), and transmitting the data to a client (paragraph 97). It fails to teach the tables being related such that one record in a table indexes another record in another table and the data size of each of the at least one table is designated by a client device. Byrne et al teaches an EPG, which uses a relational database schema, which allows data from separate tables to be related to each other. (column 6, lines 15-50).

Rodriguez et al and Byrne et al are analogous art because they are both related to electronic program guides.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the relational database schema in Byrne et al with the system in Rodriguez et al because flexibility to respond to changes such as additional data and

efficiency in allowing rapid display, searching, and other controls are provided (Byrne, column 6, lines 15-24).

Rodriguez et al and Byrne et al teach the limitations as recited above. It fails to teach the data size for each of the at least one table is designated by a client device. Hamilton et al teaches a client designates a file size for the server to send (column 10, lines 9-15).

Rodriguez et al in view of Byrne et al and Hamilton et al are analogous art because they are both related to a client requesting data from a server.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the client file size designation feature in Hamilton et al with the system in Rodriguez et al in view of Byrne et al because latency is reduced and data loss is prevented (Hamilton, column 3, lines 41-44).

Claim 24 discloses a television entertainment system, comprising: multiple clients to receive television signals and corresponding program data for an electronic program guide (EPG), individual clients having a search engine to search the program data, wherein each client device designates data structure size of the program data; and an EPG server to sort the program data prior to delivery to the client, the program data being sorted according to a selected parameter to place the program data in a sorted arrangement to facilitate searching at the client, wherein the sorted arrangement includes a record for the selected parameter that indexes another record for another parameter, wherein the EPG server sorts the program data according to stopped name versions of program titles. Rodriguez et al teaches multiple clients receiving television

signals and an EPG (paragraph 63), an EPG server to sort the program data prior to delivery to client (paragraphs 21, 32, and 91), of individual program records having a title field to identify a program name (paragraph 73), and sorting comprising of arranging the records according to a stopped name version of the program name in the title field which is kept (paragraph 91). It fails to teach the tables being related such that one record in a table indexes another record in another table and each client device designates data structure size of the program data. Byrne et al teaches an EPG, which uses a relational database schema, which allows data from separate tables to be related to each other (column 6, lines 15-50).

Rodriguez et al and Byrne et al are analogous art because they are both related to electronic program guides.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the relational database schema in Byrne et al with the system in Rodriguez et al because flexibility to respond to changes such as additional data and efficiency in allowing rapid display, searching, and other controls are provided (Byrne, column 6, lines 15-24).

Rodriguez et al and Byrne et al teach the limitations as recited above. It fails to teach each client device designates data structure size of the program data. Hamilton et al teaches a client designates a file size for the server to send (column 10, lines 9-15).

Rodriguez et al in view of Byrne et al and Hamilton et al are analogous art because they are both related to a client requesting data from a server.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the client file size designation feature in Hamilton et al with the system in Rodriguez et al in view of Byrne et al because latency is reduced and data loss is prevented (Hamilton, column 3, lines 41-44).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al (US PG PUB US2002/0059623) in view of Hamilton et al (US Patent #5,799,150).

Claim 14 discloses a computer-readable medium comprising computer-executable instructions that, when executed, direct a computing system to: sort program data for an electronic program guide at a head end device according to stopped names of program titles; store the program data in a data structure for delivery to a remote client, wherein the data structure size is designated by a client device; and deliver the data structure to the client device. Rodriguez et al teaches sorting at the head end device by arranging program data according to the title name in the title field storing the program data in an EPG database for delivery to a remote client, and delivering the data structure to the client device (paragraphs 21, 32, 73, 90, and 91). It fails to teach sorting the name in the title field as a form of a stopped name version and the data structure size is designated by a client device. The stopped name version of the program name can be interpreted as a version of the title stored in memory available based on display limitations (paragraphs 73 and 91).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to sort the records according to the name in the title field because

program data sets are able to be coalesce into one and to organize it into a format suitable for reception and interpretation by the EPG application running on the digital home communication terminal (Rodriguez, paragraph 21).

Rodriguez et al teaches the limitations as recited above. It fails to teach the data structure size is designated by a client device. Hamilton et al teaches a client designates a file size for the server to send (column 10, lines 9-15).

Rodriguez et al and Hamilton et al are analogous art because they are both related to a client requesting data from a server.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the client file size designation feature in Hamilton et al with the system in Rodriguez et al because latency is reduced and data loss is prevented (Hamilton, column 3, lines 41-44).

Response to Arguments

Applicant's arguments with respect to claims 4, 9, 14, 21, and 24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miller et al (US Patent #6,014,707) teaches client controlled transfer unit size.

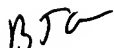
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gillis whose telephone number is 571-272-7952. The examiner can normally be reached on M-F 7:30-5:00.

Art Unit: 2141

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian J Gillis
Examiner
Art Unit 2141



BJG

10/09/2007


JASON CARDONE
SUPERVISORY PATENT EXAMINER